

Exhibit A-4

CLERK OF THE COURT	PLAINTIFF OR ATTORNEY FOR PLAINTIFF
Rosa Norsworthy, District Clerk 121 N. Austin, Room 202 Jasper, Texas 75951 409-384-2721	WILLIAM MARCUS WILKERSON 595 ORLEANS SUITE 1130 BEAUMONT TX 77701 409-212-9655

CAUSE NO. 39755

FOR RETURN

THE STATE OF TEXAS
CITATION FOR PERSONAL SERVICE

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."

TO: DEFENDANT
Lowes Home Improvement
By and through its registered agent Corporation Service Company
2626 Glenwood Ave., Ste 550
Raleigh, North Carolina 27608

GREETINGS: You are hereby commanded to appear before the **District Clerk** of Jasper County, Texas, to be held at the Courthouse of said County in Jasper, Jasper County, Texas, by filing a written answer to Original Petition (OCA) at or before Ten o'clock (10:00) A.M. on the Monday next after the expiration of twenty (20) days after the date of service hereof, a copy of **Plaintiff's Original Petition**. Which accompanies this citation in Cause Number 39755, filed on the docket of said Court on this date: **October 27, 2021**, and styled,

WILLIAM PAUL MORGAN VS. LOWES HOME IMPROVEMENT

The officer executing this writ shall serve the same according to the requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Jasper, Texas, this date: **October 28, 2021**



Rosa Norsworthy, **DISTRICT CLERK**

JASPER COUNTY, TEXAS

By: Shirley Mark, Deputy

SERVICE OF CITATION RETURN

Came to hand on the _____ day of _____, 202____, at _____ o'clock _____M. and, executed at _____, _____ County, Texas, on the _____ day of _____, 202____ at _____ o'clock _____M., by delivering to the within-named defendant, in person, a true copy of this Citation.

BY: _____

Constable/Deputy
 Certified to be a
 true and correct copy.



page 1 of 7

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR
CLERK OF COURT

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The return must either be verified or be signed under penalty or perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is
(First, Middle, and Last)
_____, and my address is _____
(Street, City, and Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.

Executed in _____, County, State of _____, on
the _____ day of _____.

Declarant / Authorized Process Server

(ID # and Expiration of Certification)

RETURN TO:
Rosa Norsworthy
Jasper County District Clerk
121 N. Austin, Rm. 202
Jasper, Texas 75951

Certified to be a
true and correct copy.



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CLERK OF THE COURT	PLAINTIFF OR ATTORNEY FOR PLAINTIFF
Rosa Norsworthy, District Clerk 121 N. Austin, Room 202 Jasper, Texas 75951 409-384-2721	WILLIAM MARCUS WILKERSON 595 ORLEANS SUITE 1130 BEAUMONT TX 77701 409-212-9655

CAUSE NO. 39755

THE STATE OF TEXAS **SERVICE COPY**
CITATION FOR PERSONAL SERVICE

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 By and through its registered agent Corporation Service Company
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WILLIAM PAUL MORGAN VS. LOWES HOME IMPROVEMENT

The officer executing this writ shall serve the same according to the requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Jasper, Texas, this date: **October 28, 2021**



Rosa Norsworthy, DISTRICT CLERK
 JASPER COUNTY, TEXAS

By: *Shirley Mark*, Deputy

SERVICE OF CITATION RETURN

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_____, County, Texas

BY: _____

Constable/Deputy
 Certified to be a true and correct copy.



page 3 of 17

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR
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(ID # and Expiration of Certification)

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Jasper County District Clerk
121 N. Austin, Rm. 202
Jasper, Texas 75951

Certified to be a
true and correct copy.



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CAUSE NO. 39755WILLIAM PAUL MORGAN,
Plaintiff,§
§
§
§
§
§
§

IN THE DISTRICT COURT

vs.

____ JUDICIAL DISTRICT

LOWE'S HOME IMPROVMENT,
Defendants.

JASPER COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, William Paul Morgan, Plaintiff herein, and complains of LOWES HOME IMPROVEMENT, Defendant herein and for cause of action would show unto the Court as follows:

I. DISCOVERY

1. Discovery should be conducted under Level II in accordance with Texas Rule of Civil Procedure 194.

II. PARTIES AND JURISDICTION

2. William Paul Morgan, Plaintiff in this cause, is an individual who resides at 11235 Ridgcrest St. Lumberton, Texas 77657. The last three digits of his Social Security Number are 888. The last three digits of his Driver's License Number are 379.
3. Lowe's Home Improvement, Defendant in this cause is company who may be served by and through its registered agent Corporation Service Company located at 2626 Glenwood Ave. Ste 550, Raleigh, North Carolina, 27608. Issuance of Citation is requested at this time.
4. Plaintiff seeks damages of more than \$10,000.00 and less than \$100,000.00 including all fees, interest, and attorney fees sought herein. Such damages are within the jurisdictional limits of this Court.

III. FACTS

5. On Saturday, August 7th, 2021, Plaintiff went to Lowe's Home Improvement, located at 900 West Gibson, Jasper, TX 75951 to purchase sheet metal.
6. Plaintiff approached the sheet metal stacked in the standing position to retrieve the sheet metal he intended to purchase. Plaintiff struggled to retrieve the sheet metal due to the way Defendant had it stored.



7. When Plaintiff turned to load the sheet metal, the entire stack fell, hitting Plaintiff in the back of the neck and trapping him underneath its weight.
8. Lowe's associates idly stood by and did not assist in freeing Plaintiff.
9. Plaintiff went to Coastal Urgent Care, LLC located at 1124 Burnside Ave. Gonzales, LA 70737 on August 10th, 2021 for an exam after experiencing lasting upper neck pain from the impact of the sheet metal to the back of his neck.
12. After Plaintiff incident, Lowe's associates set the sheet metal back up in the same way, making no adjustments to assure no future injuries occur.
13. Defendant, Lowe's Home Improvement, refused to give Plaintiff a copy of the incident report.
14. Defendant alleged that there are not cameras in that section of the store to view the incident.

IV. NEGLIGENCE

13. Defendant owed a duty of care to Plaintiff to do everything reasonably possible to ensure their customers are safe from dangerous conditions that might cause injuries.
14. Defendant breached its duty of care to Plaintiff by allowing Plaintiff to be injured as a result of dangerous conditions.
15. Defendant did not assist Plaintiff in the incident and refused to provide him with an incident report.
16. Plaintiff's injury was directly caused by Defendant's breach of duty in keeping materials safely stored.
17. After Plaintiff's injury, Defendant made no changes to prevent future injury from occurring.

V. PREMISES LIABILITY

18. Plaintiff was an invitee who was on the premises at the express or implied invitation of Defendant as a member of the public for the purpose of mutual economic benefit.
19. Defendant owed Plaintiff a duty to warn or make safe any dangerous conditions that they could have discovered with a reasonable inspection. Defendant posed an unreasonable risk of injury by the conditions on the premises that Defendant should have known of.
20. Defendant knew of the danger and failed to exercise ordinary care to protect the claimant from the dangers, by failing to adequately warn the claimant of the condition and failing to make that condition reasonably safe.
21. Defendant knew of the conditions that caused the injury and took no action to reduce the risks of future injuries.



VI. ELECTION OF REMEDIES

16. Plaintiff provides notice of her intent to exercise her election of remedies to the degree any causes may overlap.

VII. ATTORNEY'S FEES

18. In order to protect Plaintiff's rights, Plaintiff has been required to retain William Marcus Wilkerson as attorney of record. Under Texas Civil Practice and Remedies Code sections 38.001 et seq. Defendant shall be held liable for attorney fees reasonable and necessary to resolve this dispute.

VIII. NOTICE REGARDING PRODUCTION OF DOCUMENTS

19. All documents produced are self-authenticating in accordance with *Rule 193.7* of the *Texas Civil Rules and Procedures*.

IX. PRAYER

WHEREFORE, Plaintiff prays that Defendants be cited to appear herein and answer, and that upon final trial in this matter Plaintiff have judgment against Defendants and the Court do the following:

- a. Award punitive damages;
- b. Award economic damages;
- c. Award Pre-judgment and Post-judgment interest in favor of Plaintiff at the maximum amount allowed by law;
- d. Assess cost against Defendants;
- e. Award Attorney's fees as applicable; and
- g. Order such other and further relief pertaining to this matter that the Plaintiff is justly entitled to.

Respectfully Submitted,



William Marcus Wilkerson
TBN: 24073708
595 Orleans, Suite 1115
Beaumont, Texas 77701
Telephone: 409-212-9655
Facsimile: 409-212-9657
wmarcuswilkerson@gmail.com

I CERTIFY THIS AS A TRUE COPY
WITNESS MY HAND AND SEAL OF OFFICE

NOV 24 2021

ROSA NORSWORTHY, DISTRICT CLERK
JASPER COUNTY, TEXAS
BY  DEPUTY



Certified to be a
true and correct copy.